

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY RAMEY,

Plaintiff,

vs.

KIM TRAN, et al.,

Defendants.

1:05-cv-00228-AWI-DLB-P

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 16)

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

**ORDER THAT PLAINTIFF PAY
FILING FEE**

Plaintiff, Johnny Ramey ("plaintiff"), a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On March 13, 2006, the Magistrate Judge filed [Findings and Recommendations](#) herein that recommended plaintiff be ordered to pay the filing fee. These Findings and Recommendations were served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendations were to be filed within thirty (30) days. On April 10, 2006, plaintiff filed objections to the Magistrate Judge's Findings and

Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis. As explained by the Magistrate Judge, plaintiff must pay the filing fee pursuant to 28 U.S.C. § 1915(g) because plaintiff has filed three or more actions that were dismissed as frivolous, as malicious, or for failing to state a claim upon which relief may be granted and plaintiff's complaint does not show that plaintiff is currently under imminent danger of serious physical injury.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed March 13, 2006, are ADOPTED IN FULL;

2. Pursuant to 28 U.S.C. § 1915(g), plaintiff's in forma pauperis status is REVOKED;

3. Plaintiff pay the \$250.00 filing fee in full within **thirty (30) days** from the date of service of this order; and,

4. This action be dismissed without prejudice **IF** plaintiff fails to pay the filing fee in full within thirty days.

IT IS SO ORDERED.

Dated: July 6, 2006
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE